

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

JOHN L. HILL, FRANCINE BARNES,
FRANCHOT BARNES, FRANCESCA
BARNES, and GLORY CELESTINE,

CIVIL CASE NO. 03-40025

Plaintiffs,

v.

BLUE CROSS & BLUE SHIELD OF
MICHIGAN,

HONORABLE PAUL V. GADOLA
U.S. DISTRICT JUDGE

Defendant.

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ORDER

On May 13, 2005, the United States Court of Appeals for the Sixth Circuit remanded this case for further proceedings. See Hill v. Blue Cross and Blue Shield of Mich., 2005 WL 1282186 (6th Cir. 2005). The Sixth Circuit issued its mandate on June 8, 2005. See Fed. R. App. P. 41.

In its opinion, the Sixth Circuit affirmed this Court's dismissal of all § 1132(a)(1)(B) claims for individual benefits but Plaintiff Hill's, which they reversed, and reversed this Court's dismissal of the §§ 1104, 1105, and 1109 fiduciary-duty claims. The Sixth Circuit then remanded the case to this Court for proceedings not inconsistent with its opinion.

Consequently, in order to facilitate the adjudication of this matter, the Court will order the parties to submit written briefs detailing their respective positions on the remaining issues and

necessary proceedings, such as whether the parties need additional discovery and time for dispositive motions, or whether this matter should proceed directly to the proposed joint final pretrial order, the pretrial conference, and then to trial.

ACCORDINGLY, IT IS HEREBY ORDERED that the parties shall file, within **THIRTY (30) DAYS** of the entry of this order, written responses to this order detailing their respective positions on the remaining issues and necessary proceedings that are consistent with the Sixth Circuit's opinion.

SO ORDERED.

Dated: June 17, 2005

s/Paul V. Gadola
HONORABLE PAUL V. GADOLA
UNITED STATES DISTRICT JUDGE

Certificate of Service

I hereby certify that on June 21, 2005, I electronically filed the foregoing paper with the Clerk of the Court using the ECF system which will send notification of such filing to the following: G. Christopher Bernard, Michael G. Wassmann, Lance C. Young, and I hereby certify that I have mailed by United States Postal Service the paper to the following non-ECF participants: Elwood S. Simon.

s/Tammy Hallwood
Tammy Hallwood, Deputy Clerk
(810) 341-7845